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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,498	08/28/2003	Angelo J. Suitor	58811US002	6967

32692 7590 10/21/2005

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT PAPER NUMBER

1734

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,498

Applicant(s)

SUITOR ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 17, 18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 17, 18, and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 8, 17, 18, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruuttu et al (WO 01/38005) in view of Ferri, Jr. (US 6,085,940) for reasons set forth in the previous office action.

Claims 1, 2, 4, 8, 17, 18, 20, and 24 are rejected under 35 U.S.C. 103(a) &s being unpatentable over Ruuttu et al (WO O 1/38005) in view of Hewett (US 6,039,2 14) for reasons set forth in the previous office action.

Claims 5, 7, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruuttu et al (WO 01/38005) and Hewett (US 6,039,214) as applied to claims 1, 2, 4, 8, 17, 18, 20, and 24 above, and further in view of Cranskens et al (US 3,296,951) for reasons set forth in the previous office action.

Claims 5, 6, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruuttu et al (WO 01/38005) and Hewett (US 6,039,214) as applied to claims 1, 2, 4, 8, 17, 18, 20, and 24 above, and further in view of Thorsheim (US 4,258,862) for reasons set forth in the previous office action.

Response to Arguments

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Applicant's arguments filed 8/9/05 have been fully considered but they are not persuasive.

Applicants contend that the 103 rejection of claims 1, 2, 4, 8, 17, 18, 20, and 24 under Ruuttu in view of Ferri, Jr. should be withdrawn because Ruuttu teaches an open container requiring a rigid wall NOT a deformable or collapsible bladder type container and there is no motivation to use a deformable or collapsible container since it is diametric to the rigid container taught by Ruuttu. This argument is not deemed persuasive primarily because Ruuttu teaches a container or tank (16) in general but does not disclose the degree of rigidity of the container nor the material from which the container or tank is made. On the other hand, Ferri, Jr. recognizes using a deformable or collapsible bladder based chemical dispensing supply system that dispenses chemical from a source or drum directly to a process area without the need of a pumping system (see col. 1, lines 4-6 and col. 5, lines 44-60). The motivation for using the Ferri, Jr. deformable or collapsible bladder based supply system in place of the Ruuttu container would be to supply coating solution directly to the coating chamber without the need of a compressed air supply source. For common sense validation of the combination, one of ordinary skill in the art would expect to use the collapsible bladder type container over the Ruuttu container since the collapsible container would require less storage space when emptied of coating solution.

Applicants contend that the Ferri, Jr. reference should be withdrawn from the combination with Ruuttu because Ferri, Jr. is deemed nonanalogous art as evidenced by its classification, international and otherwise. This argument is not deemed persuasive because regardless of the classification of the Ferri Jr. patent, both Ruuttu and Ferri Jr. disclose

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dispensing of chemical solution from a storage or supply container to a process area. The two are analogous for that reason alone and Ferri, Jr. has supplied the proper motivation for the combination as required by *Graham v. Deere*.

Applicants contend that Ruuttu and Ferri, Jr. are also nonanalogous art in light of their differences in structure and function of the inventions as the two are not solving the same problem as the precedent is set forth in the case of *In re Clay*. While the decision of the Federal Circuit is acknowledged and well taken, as mentioned previously, both Ruuttu and Ferri, Jr. relate to dispensing of chemical solution from a storage or supply container to a process area. One of ordinary skill in the art would expect several problems to be solved from the combination of the teachings. For one, in using the collapsible container of Ferri, Jr., Ruuttu would not have to use a compressed air supply source such that manufacturing costs would be lowered. For another problem solved, an emptied collapsible container could be reduced in size substantially thereby minimizing storage needs.

Applicants contend that Ferri Jr. does not serve to solve a coating problem such that there would be no reason or motivation in the Ruuttu application to use a collapsible bladder. This argument is well taken, however, Ferri, Jr. has not been combined with Ruuttu to solve a coating problem but merely to show that it is within the purview of one skilled in the chemical dispensing art to use a collapsible bladder or deformable container to supply chemicals to a process area instead of using a rigid container or drum.

Applicants contend that the combination of Ruuttu and Hewett should be withdrawn because there is no suggestion or motivation for the combination because Hewett merely teaches a collapsible bag dispensing system that dispenses solvent based coating material from the bag

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and not to another chamber such as a coating chamber. This argument is not deemed persuasive because here Hewett provides the motivation to use a deformable or collapsible bag based dispensing system that dispenses solvent based coating material from a bag, on a small scale, and specifically prevents air from negatively affecting volatile components of the coating material (see col. 1, lines 16-19 and lines 28-31). One of ordinary skill in the art would be motivated to use the bag system of Hewett in the Ruuttu application to supply coating solution to the coating chamber on a small bench size scale without drying out the coating material due to exposure to air.

Applicants contend that the combined teachings of Ruuttu and Hewett further in view of Cranskens does not teach or suggest the claimed invention in light of the arguments previously presented to Ruuttu and Hewett. This argument is not deemed persuasive because the rejection of the claims under Ruuttu and Hewett is deemed reasonable and proper for reasons cited previously. Furthermore, the proper motivation for combining the teachings of Crankens with Ruuttu and Hewett has been provided as required by *Graham v. Deere*.

Applicants contend that the combination of Ruuttu and Hewett further in view of Thorsheim does not teach or suggest the claimed invention in light of the arguments previously presented to Ruuttu and Hewett. This argument is not deemed persuasive because the rejection of the claims under Ruuttu and Hewett is deemed reasonable and proper for reasons cited previously. Furthermore, the proper motivation for combining the teachings of Thorsheim with Ruuttu and Hewett has been provided as required by *Graham v. Deere*.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

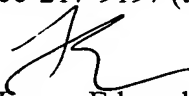
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura Edwards
Primary Examiner
Art Unit 1734

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October 19, 2005